

Attorney Docket No. 10019358-1; Ser. No. 10/628,946

Regarding Category IV, the Examiner has indicated that no election is required unless species d) in Category II were elected. Species d) in Category II has not been elected at this time.

The claims that read literally on the provisionally elected species are claims 1 – 4, 5, 7, 9, 16, 17, and 28 – 41. As noted by the Examiner, at least claim 1 is generic.

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REMARKS

The Examiner's communication dated February 9, 2007, which included a four-way election requirement, is acknowledged.

Claims 1 – 64 are pending in the application. Of these, claims 42 – 64 are withdrawn from consideration. Claims 1 – 41 are subject to the present election requirement.

The election requirement is respectfully traversed on the grounds that species subject to an election requirement must be mutually exclusive (MPEP 806.04(f)). For two species to be mutually exclusive, one species cannot include the other species. For example, a species including either a solid oxide electrolyte or a proton-exchange membrane electrolyte is not mutually exclusive with a species in which the chamber is formed by the method of claim 7 and is not mutually exclusive with a species in which the material of the chamber roof is an electrolyte. Thus, a chamber formed by the method of claim 7 may *include* either a solid oxide electrolyte or a proton-exchange membrane electrolyte (or both), and may *include* a chamber roof formed of an electrolyte. If one species can include another, they are not mutually exclusive as required by MPEP 806.04(f).

This is not to say that the identified species are not patentably distinct; applicants affirm that the species identified by the Examiner are patentably distinct.

Furthermore, the Examiner has not established that an undue examination burden would exist if all the species were examined together.

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Therefore, applicants respectfully request withdrawal of the election of species requirement and reconsideration of that requirement, grouping together at least those species that are not mutually exclusive as required by MPEP 806.04(f).

The claims that read literally on the provisionally elected species are claims 1 – 4, 5, 7, 9, 16, 17, and 28 – 41. Applicants respectfully submit that at least claims 1 – 4 and 28 – 41 are generic. Applicants respectfully note that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species.

Examination of the application as previously amended is respectfully requested.

Respectfully submitted,
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